

Marianne M. Baker
David Bolduc

BAKER & BOLDUC
ATTORNEYS AND COUNSELORS
3308 BRIDLE PATH
AUSTIN, TX 78703

TELEPHONE (512) 477-1187

September 22, 2005

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: WC Docket 05-196; Subscriber Acknowledgment Report – September 22, 2005 for
Voxpath Networks, Inc.**

Electronic Filing - Via ECFS

Dear Ms. Dortch:

Submitted herewith is a Subscriber Acknowledgment Report for Voxpath Networks, Inc. (“Voxpath”), as required by the Commission (and clarified by the Enforcement Bureau) in WC Docket 05-196.

Please note again that this Report is submitted to reassure the Commission that Voxpath’s customers have been given the notifications requested by the Commission, and that Voxpath is ensuring that the Commission’s concerns are answered, although it is Voxpath’s position that it is not an “interconnected VoIP Service provider,” is not required to comply with 47 C.F.R. Part 9, and is an entity specifically excluded from the coverage of that section by both the terms of the regulations and the exclusion contained in Footnote 78 in Paragraph 24 of the First Report and Order in WC Dockets 04-36 and 05-196. Regardless, Voxpath has determined that it would be advisable to give this information to its customers to ensure that they understand the limitations that may be applicable to E911 service, and to reassure the Commission that this information has been communicated.

Voxpath Networks, Inc. has its primary offices at 7600 B North Capital of Texas Highway, Suite-220, Austin, TX 78731.

Voxpath provides IP-compatible CPE, IP-PBX, and enhanced services to multi-line business customers. It does not, however, itself provide interconnection to the PSTN or permit customers to receive calls that originate on the PSTN and to terminate calls to the PSTN. These functions are provided to Voxpath customers by other entities, with which Voxpath customers must contract. In order to use Voxpath’s services, customers must themselves obtain both a broadband connection to their location and interconnection to the PSTN, typically through

arrangements with local and long distance service providers. The local service providers undertake the obligation to transmit all 911 calls, as well as ANI and the subscriber's Registered Location, to the PSAP or other appropriate authority. In short, Voxpath is not a provider of interconnected VoIP service, and falls under the exclusion contained in Footnote 78 in Paragraph 24 of the First Report and Order in WC Dockets 04-36 and 05-196.

Please refer any questions or correspondence regarding this matter to the undersigned.

Very truly yours,

David Bolduc

**WC Docket No. 05-196; Voxpath Networks, Inc. Subscriber Acknowledgment
Report – September 22, 2005**

Report

A detailed explanation regarding current compliance with the notice and warning sticker requirements if the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.

Voxpath issued warning stickers or labels to 100% of its subscribers by August 26, 2005, as detailed in its earlier filing.

A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.

As of the date of this report, 100% of Voxpath's subscribers have submitted affirmative acknowledgements. An estimate of the percentage of subscribers from whom Voxpath does not expect to receive an acknowledgment by September 28, 2005 is 0%.

A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.

Voxpath will contact (and has been contacting) such subscribers by telephone and advise them that the FCC requires an acknowledgment, and believes that there will be no such subscribers by September 28, 2005.

A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.

Voxpath has no current plans to disconnect subscribers, as affirmative acknowledgments have been received from all subscribers.